

EXHIBIT 3

Oracle America, Inc. vs Google, Inc.
C10-3561 WHA
Volume 4 - April 19, 2012

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Volume 3
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
BEFORE THE HONORABLE WILLIAM H. ALSUP

ORACLE AMERICA, INC.,)
Plaintiff,)
VS.) No. C 10-3561 WHA
GOOGLE, INC.,)
Defendant.) San Francisco, California
April 19, 2012

TRANSCRIPT OF JURY TRIAL PROCEEDINGS

13 APPEARANCES:

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21 (Appearances continued on next page)

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21 Also Present: SAFRA CATZ, President and CFO
Oracle Corporate Representative
22 CATHERINE LACAVERA
Google Corporate Representative
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P R O C E E D I N G S

2 APRIL 19, 2012 7:27 a.m.

(Proceedings held in open court, outside
the presence and hearing of the jury.)

THE COURT: All right. We have a few things I have
to take up with you.

We have a note from one Juror. Question:
"Are the APIs in question standard Oracle
APIs? Are there copyrights on these APIs in
question?"

The way we deal with this is when the witnesses come,
you can ask the appropriate witnesses these questions, but
we're not going to give a new speech to the jury yet on these
points.

Now, I may tomorrow, if time permits, give each side
ten minutes to make a closing or opening statement to the jury
to let them know where you stand. If you don't want to use it,
you don't have to. But sometimes it helps in a case like this
to let the lawyers wax eloquent in front of the jury to explain
where we are, what's been proven, what's not been proven. I
think it helps the jury comprehend the evidence as we go along.

In the meantime, if you have a witness who can answer
this question, these two questions, you're free to go for it.

Okay, next item. My law clerk -- where is my law

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P R O C E E D I N G S

1 clerk -- will hand out to some questions for a special verdict
2 form.

(Whereupon document was tendered
to counsel.)

This is definitely a draft, and here is what I would
like for you to do by tomorrow morning is to do in handwriting
-- do this in handwriting so I can clearly see what it is you
want to change and then do a short statement that explains why
you want the change. I'm trying to come up with the most
streamlined version I can of what the special verdict form
would look like.

Now, a related question is: How do affirmative
defenses fit in? It's possible that we would just let the
affirmative defenses go to the jury anyway, the implicit parts
of these liability questions.

On the other hand, maybe we want to have separate
questions on the affirmative defenses. But I haven't addressed
that per se, and I invite you to do so by tomorrow morning. So
that's item number two.

Item number three is that at about 9:00 o'clock today
I need to take the 15-minute break a little early in order for
me to be on a telephone call. So I may have abruptly stop
proceedings when that occurs, but it's best to do it. So we'll
take our normal break at that time.

Next. On the deposition designations for Mr. Gupta

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REINHOLD - DIRECT EXAMINATION / JACOBS 676

1 Q. Let's turn now to Section 1.3 of this exhibit, Exhibit
2 984.
3 (Document displayed)
4 Q. Does Section 1.3 describe the relationship of the Java
5 language specification to predefined classes and interfaces?
6 A. Yes, it does.
7 Q. What does it -- do you recall what it tells us?
8 A. It tells us that the specification refers to certain
9 classes and interfaces.
10 (Document displayed)
11 A. Here we go. Shall read this?
12 Q. Don't read the whole text, but summarize what it's
13 explaining for us.
14 A. Okay. It notes that some classes have a special
15 relationship with the language, including, for example, Object,
16 class, Classloader and String.
17 Q. Are any of the classes in the Java Application Programming
18 Interface actually specified in the Java language
19 specification?
20 A. No. As the paragraph goes on to explain, the language
21 definition constrains the behavior of these classes and
22 interfaces, but this document does not provide a complete
23 specification for them.
24 Q. And where are you directed to find the complete
25 specification?

REINHOLD - DIRECT EXAMINATION / JACOBS 677

1 A. The reader is referred to other parts of the Java platform
2 specification for such detailed API specifications.
3 Q. Is any class described in any detail at all in the Java
4 language specification?
5 A. There is one class, java.lang.object. If you recall, that
6 is the class that all other classes are grouped under. That is
7 described in some detail, but it is not enough detail that
8 anyone would consider a specification.
9 Q. Did you look at the Java language specification to
10 determine whether it refers to any other classes?
11 A. Yes, I did.
12 Q. And what kind of analysis did you do?
13 A. So, I did a scan of the text of the specification and
14 extracted all of the names of classes and interfaces that were
15 mentioned in a way that indicates they are part of the
16 specification rather than being part of an example.
17 Q. Is that -- is the result of your work in Trial Exhibit
18 1062 and 1063? They are in the folder there.
19 A. Yes, I have them here.
20 Exhibit 1062 the list of is classes and interfaces
21 mentioned in the Java Language Specification, Third Edition,
22 but not counting examples or commentary.
23 Q. And by "mentioned," what's the significance of being
24 mentioned?
25 A. So, many of these classes are mentioned by name and there

REINHOLD - DIRECT EXAMINATION / JACOBS 678

1 may be a very brief statement to the effect that, well, if a
2 certain kind of error condition arises, then one of these
3 classes is used.
4 About half of the classes, if you look at the list of
5 30 of them, are what we call exception or error classes. They
6 are just used to report error conditions. Something has gone
7 wrong. They are used to report diagnostic information. So,
8 those especially.
9 They are mentioned in the Java language
10 specification. They are not specified. They are mentioned
11 only by name. There is no mention of what methods might be in
12 them, what fields they might have. They could have anything,
13 as far as the language specification is concerned.
14 THE COURT: I'm confused on one thing, though. I see
15 the document on the screen.
16 And when you say "Java language specification," is
17 that the same thing as the Java program language?
18 THE WITNESS: Yes, sir. That is the Java programming
19 language specification.
20 THE COURT: All right. As opposed to using Java very
21 broadly, you're focusing in on Java programming language
22 specification. But it doesn't say "programming language." It
23 just says "Java language."
24 THE WITNESS: Your Honor, that is the title of the
25 book and the name of the specification, but it is exactly about

REINHOLD - DIRECT EXAMINATION / JACOBS 679

1 the Java programming language.
2 THE COURT: All right. Now I understand. Thank you
3 for doing that.
4 MR. JACOBS: And, your Honor, here is Exhibit 984.
5 I had it next to me the what time.
6 (Whereupon, book was tendered
7 to the Court.)
8 THE COURT: This is in evidence, right?
9 MR. JACOBS: Yes.
10 THE COURT: Okay. Great. Thank you.
11 BY MR. JACOBS:
12 Q. So 1063 is classes and interfaces that are mentioned.
13 Does the fact of mentioning mean that they are
14 required by the Java programming language specification?
15 A. I'm sorry. We're still talking about 1062 I think?
16 Q. I'm sorry. You're correct.
17 A. Okay. I'm sorry. And the question was?
18 Q. Does the fact that they are mentioned mean that they are
19 required by the Java programming language specification?
20 A. Yes. They are required by the language specification, but
21 they are not specified as part of it.
22 Q. Then what is -- can you explain what 1063 is?
23 A. So 1063 is a somewhat similar analysis. So, 1062 was
24 about what is in the language specification document.
25 For 1063 I inspected the source code of the Java